

Remarks/Arguments:

Claims 14, 17-19, 21-22, 37, 40-42 and 44-57 are pending and stand rejected.

By this amendment, claims 14, 17-19, 21-22, 37, 44-45, 47, 49, 51, 53, 55 and 57 are amended and new claims 58 and 59 are added. No new matter is presented by the claim amendments and new claims. Support for the claim amendments and new claims can be found throughout the specification and, more particularly, at col. 4, lines 26-28, and col. 7, lines 23-59 and Fig. 5.

Rejection of Claims 14, 17-19, 21-22 and 37 Under 35 USC § 112, 1st Paragraph

In the Office Action, at item 3, claims 14, 17-19, 21-22 and 37 are rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement.

Reconsideration is respectfully requested.

In the Office Action, the Examiner contends that the portion cited by Applicant as supporting the feature of "recording of said information in said medium is permitted if a value of an identifier read from said medium is an approved ID value, recording of said information in said medium is prevented if any approved ID value is not readable from said medium," as recited in claim 1 and similarly recited in claims 17-19, 21-22 and 37, states that "the descrambler apparatus certifies whether the medium in which the information was written has an approved ID number and only writing from the medium certified by the descrambling device, the descrambling apparatus performs normally." The Examiner points out that the cited portion of the specification is directed to determining the status of a medium after information has been recorded to the instant medium and does not teach the step directed to conditionally recording on the medium, as a result of the detected status of the approved ID, as recited in the claims. Amended claim 14 recites "...recording of said information in said medium is permitted if a value of an identifier read from said medium is a registered ID value, recording of said information in said medium is prevented if any registered ID value is not readable from said medium."

This feature is supported by the original patent, where; (1) a subscriber's ID number is written in a recording medium (see original patent at col. 7, lines 23-25, and Fig. 5 at action 52); (2) whether the ID number written in the medium is checked at starting of the recording (see original patent at col. 7, lines 57-59); and (3) when the subscriber ID is confirmed to be registered, recording starts (see original patent at col. 7, lines 31-34).

Accordingly, it is submitted that the rejection under 35 USC § 112, first paragraph, be withdrawn.

Rejection of claims 14-15, 17-19, 21-22 and 37-40 and 43 under 35 USC § 103(a) as being unpatentable over Horton (U.S. Pat. No. 4,945,563) in view of Yarbrough (U.S. Pat. No. 4,598,288).

Reconsideration is respectfully requested.

Claim 14

Claim 14 is discussed above and includes the feature of recording of said information in said medium is permitted based on a condition (i.e., if a value of an identifier read from said medium is a registered ID value). That is, if such a value read from the medium is a registered ID value then the recording is permitted. Moreover, recording of said information in said medium is prevented based upon a second condition (if any registered ID value is not readable from said medium). That is, if any registered ID value is not readable from said medium, recording is prevented.

In the Office Action, at page 5, the Examiner acknowledges that Horton does not teach that "the recording of the information in the medium, (is permitted if a value of the identifier read from a recorder medium is an approved value)" and "recording of the information in the medium is not permitted if an approved ID value is not readable from the medium."

Yarbrough Reference

Yarbrough discloses a control system for use with a recording apparatus. Yarbrough further discloses at least two embodiments that make use of codes. In the preferred

embodiment of Yarbrough a program transmission is accompanied by an audio-frequency signal bearing the coded information. This signal is detected in the received transmission by conventional means and then passed to code-sensing means 12. The code sensing means 12 includes audio decoder 24 for sensing the code amidst the audio-frequency signal applied to input 23. (See Yarbrough at col. 5, lines 1-8.) The audio-decoder 22 senses the decoded message and passes the code to buffer 31, where it is held momentarily until delivered to microprocessor 15 over data bus 32. (See Yarbrough at col. 5, lines 23-26.) The sense code provided to microprocessor 15 over data bus 32 is compared with the contents of random access memory 13. If the sense code does not indicate that the transmission is copyrighted or otherwise privileged, and if an order for broadcast program has been placed in random access memory 13, then microprocessor 15 provides a signal for enabling the recording means. If the sensed code indicates that the transmitted program is copyrighted, then microprocessor 15 will only provide the enabling signal when the preselected program order in random access memory 13 includes an authorization code. (See Yarbrough at col. 28-40.) Thus, the preferred embodiment of Yarbrough is silent regarding anything related to the code being "read from" or "readable from" the medium recited in claim 14, on which information is to be recorded.

In a second embodiment of Yarbrough, an apparatus identifying code which is unique to an individual apparatus is stored in a portion 45 of read only memory 17. This feature enables the microprocessor central processing unit 15 to verify that the rightful apparatus is being used to record the program. The apparatus-identifying code, however, is not "read from" or "readable from" the medium recited in claim 14, on which information is to be recorded.

In other words, none of these embodiments disclose that any code is read from the medium on which the information is to be recorded, and furthermore, none of these embodiments disclose information is to be recorded on the medium, from which a registered ID is "read" or "readable."

Accordingly, it is submitted that claim 14 patentably distinguishes over the cited art of Horton and Yarbrough, either singularly or in any proper combination, for at least the above mentioned reasons.

Applicant's remaining independent claims, while not identical to claim 14, are also patentable over the art of record for reasons similar to those set forth above with regard to claim 14.

Claims 40, 42 and 44-57

Claims 40, 42 and 44-57, which include all of the limitations of their respective independent claims, are submitted to patentably distinguish over Horton in view of Yarbrough for at least the same reasons as their respective independent claims.

Rejection of Claim 41 under 35 USC § 103(a)

Rejection of Claim 41 under 35 USC § 103(a) as being unpatentable over Horton and Yarbrough in further view of Lindman (U.S. Pat. No. 4,882,752). Reconsideration is respectfully requested.

Claim 41, which includes all the limitations of claim 37, submitted to patentably distinguish over Horton in view of Yarbrough for at least the same reasons as those of claim 37.

The addition of Lindman does not overcome the deficiencies of Horton and Yarbrough. This is because, EEPROM 56 is used to store sensitive data, such as code words and encryption tables utilized by SCP 16B. This data can be erased, to prevent unauthorized persons from gaining access to. (See col. 6, lines 32-36). In response to erase control signals received from microprocessor 30, or tamper signals from tamper logic 62, read/write erase control 58 will provide appropriate command signals and supply potentials over bus 73 to erase sensitive data stored within EEPROM 56. (See Lindman at col. 6, lines 55-60.) That is, similar to Yarbrough, the erase control signal, for example, is not read from EEPROM 56 (corresponding to the medium recited in claim 37), but is instead read from microprocessor 30 or tamper logic 62.

Accordingly, it is submitted that claim 41 patentably distinguishes over the cited art of Horton, Yarbrough and Lindman, taken either singularly or in any proper combination for at least the above mentioned reasons.

New Claims 58 and 59

Claims 58 and 59, which include all the limitations of claim 14, are submitted to patentably distinguish over the cited art for at least the same reasons as claim 14.


New claim 58 includes a patentable distinction beyond that of claim 14, namely that: "a drive ID is checked, and if said drive ID is registered, recording of said information in said medium is permitted.

New claim 59 also includes a patentable distinction beyond that of claim 14, namely "a memory for storing said information, wherein said stored information is erased after a designated time.

Conclusion

In view of the claim amendments, new claims and remarks, Applicant submits that the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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Enclosure: Status and Support of Claims as of this Amendment

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